

Serial No. 09/993,518
Amdt. dated May 4, 2005
Reply to Office Action of February 8, 2005

Docket No. P-0286

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-19 are pending in the present application with claims 1, 7 and 18 having been amended by the present amendment.

In the outstanding Office Action, claims 1, 2, 7-12, 15 and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dulaney et al. in view of Cloke et al.; claims 3, 4, 18 and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dulaney et al. in view of Cloke et al. and Labonte et al.; and claims 5, 6, 13, 14 and 17 were allowed.

Applicants thank the Examiner for the indication of allowable subject matter.

The present invention currently includes independent claims 1, 5, 7, 13, 16, 17 and 18 (independent claims 5, 13 and 17 have been allowed). Independent claim 1 has been amended to clarify that the previously stored BER test message is stored before the roadside equipment transmits the BER test message. Independent claims 1, 7 and 18 include similar features in a varying scope. Note, independent claim 16 already recited that the BER test message was previously stored before transmission of the BER testing initiation message.

Further, as noted in the previous response, the at least one switch switches an operation mode of a roadside equipment and the on-board equipment between an operating mode and a BER testing mode such that the BER testing mode operates independently from

the operating mode. Thus, according to the present invention, it is possible to test the function of the roadside equipment and the on-board equipment after a manufacture has originally tested the equipment. This solves problems when the equipment is only tested during manufacturing and then degrades due to wear etc. However, according to the present invention, it is possible to switch the operation mode into a testing mode and then test the on-board equipment.

Further, the BER test message is stored before the roadside equipment transmits the test message. This feature is supported in the specification at least at paragraph [41], for example. Thus, the roadside equipment 200 and the on-board equipment 200 know the actual data of the BER test message before it is communicated between them.

The Office Action indicates Dulaney et al. does not disclose the BER mode operating independently from the operating mode and relies on Cloke et al as teaching this feature. However, it is respectfully noted Dulaney et al. is specifically directed to solving problems in the background art in which the required transmitted/received communication system has to be taken out of service during a testing mode (see column 1, lines 38-42, for example). That is, Dulaney et al. is directed to monitoring a data communication system in an in-service, non-interfering manor, which utilizes a direct measure of system performance such as data error rate in a system malfunction can be predicted by determining degrading trends of system performance (see column 1, lines 51-56, for example). Thus, Cloke et al. teaches

away from the disclosure of Dulaney et al. That is, Cloke et al. teaches a normal mode of operation and a built in self-test mode of operation. However, Dulaney et al. specifically teaches providing an in-service error monitoring apparatus which performs bit error rate computation in a manner which does not interfere with the transmit/receive communication systems (see column 1, lines 67 to column 2, lines 4). Therefore, it is respectfully submitted one would not combine Cloke et al. with Dulaney et al.

In addition, in response to the previously filed argument that Dulaney et al. does not previously store test messages before start of a BER test, the Office Action indicates Dulaney et al. stores test messages such as accumulating bits of data before any initiation of a BER evaluation by the comparator 130 in Figure 1. However, Dulaney et al. does not teach or suggest storing the BER test message before the roadside equipment transmits the BER test message. In more detail, as noted in the previously filed response, the actual data from the data source 101 in Dulaney et al. (see Figure 1) being transmitted to the data sink 105, for example, is scanned at point 112 by a scanner 114 to retrieve a subset of bits (or the entire data) and then this value is compared in a comparator 130 with a corresponding set of bits scanned from a point 103 by a scanner 115 in the receiving side. The data received at the point 103 in Dulaney et al. is not previously stored prior to the transmission of the data. In addition, note that in Dulaney et al., the data scanned from the point 103 is then retransmitted back to the original transmitting side via a low speed command link 120 or

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telemetry data link 109 to be compared in the comparator 130 with the originally transmitted bits. Thus, in Dulaney et al., it is possible the scanned data bits being transmitted from the point 103 back to the comparator 130 may include additional bit error rates such that the data stored in the data set 110 (corresponding to bits scanned at the point 103) is not the exact same data scanned from the point 103. That is, Dulaney et al. does not teach or suggest storing the test message prior to transmitting the test message such that the on-board equipment and roadside equipment know the value of the test message before starting the test. Cloke et al. and Labonte et al. also do not teach or suggest the claimed features.

Accordingly, it is respectfully submitted independent claims 1, 7, 16 and 18 and each of the claims depending therefrom are also allowable and the rejections noted in the Office Action have been overcome.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David A. Bilodeau**, at the telephone number listed below.

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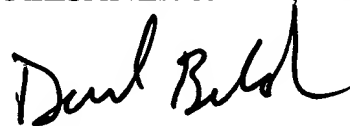
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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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